

RECEIVED

2007 OCT -3 A 10:25

DEBRA P. HACKETT, CLK
 MOTION UNDER 28 U.S.C. § 1255 TO VACATE, SET ASIDE, OR CORRECT
 SENTENCE BY A PERSON IN FEDERAL CUSTODY
 MIDDLE DISTRICT ALA

United States District Court , Middle District of Alabama	
Name (under which you were convicted): PATRICK LEMUEL BASS	Docket or Case No.: <u>3:07-cv-887-WHA</u> 3:05-cr-112-WHA
Place of Confinement: USP Coleman II	Prisoner No.: 11872-002
UNITED STATES OF AMERICA	Movant (include name under which convicted) PATRICK LEMUEL BASS

MOTION

- (a) Name and location of court that entered the judgment of conviction you are challenging: United States District Court for the Middle District of Alabama, Eastern Division, in Montgomery, Alabama
- (b) Criminal docket or case number (if you know): 3:05-CR-112-WHA
- (a) Date of the judgment of conviction (if you know): 6/14/2006
- (b) Date of sentencing: October 12, 2006
- Length of sentence: 96 months
- Nature of crime (all counts): Count 1 - Felon in Possession of a Firearm, 18 USC §922(g)(1), guilty; Count 2 - Simple Possession of a Controlled Substance, 21 USC §844, misdemeanor dismissed.
- (a) What was your plea? (Check one)

(1) Not guilty ☐ (2) Guilty ☒ (3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to? Pleaded guilty to Count 1 and Count 2 was subsequently dismissed.
- If you went to trial, what kind of trial did you have? (Check one) N/A Jury ☐ Judge only ☐
- Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐

No ☒

9. If you did appeal, answer the following: N/A

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If "Yes," answer the following: N/A

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

(5) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information: N/A

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: DEFENSE COUNSEL WAS INEFFECTIVE IN FAILING TO OBJECT TO UNCONSTITUTIONAL SENTENCE ENHANCEMENT AT SENTENCING OR ON DIRECT APPEAL.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Defendant's base offense level was enhanced four (4) levels pursuant to U.S.S.G. §2K2.1(b)(5) for possessing a firearm in "connection with another felony offense," i.e., "possession of 5.72 grams of methamphetamine (a felony)." See Presentence Investigation Report, ¶14. Defendant was never charged with, convicted of, nor admitted to any felony drug offense. In fact, the drugs allegedly in defendant's possession at the time of his arrest were the subject of Count 2 of the indictment, Simple Possession, a misdemeanor under 21 U.S.C. §844, which count was dismissed by the sentencing court. The enhancement of defendant's sentence for an uncharged and unadmitted felony offense violates United States v. Booker, 543 U.S. 220, 160 LEd2d 621, 650 (2005), and defendant is prejudiced by a 96-month sentence (offense Level 21, Criminal History Category VI), which is 33 months greater than the maximum sentence supported by the facts to which defendant admitted at his guilty plea hearing and at sentencing (Offense Level 17, Category VI, 51-63 month range).

Page 3, paragraph (E), pursuant to post Booker plea agreement.

(b) Direct Appeal of Ground One: N/A

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) Post-Conviction Proceedings: N/A

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐ N/A

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐ N/A

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐ N/A

(6) If your answer to Question (c)(4) is "Yes," state: N/A

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: N/A

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

The ground for relief is presented here for the first time because defense counsel failed to bring the error to the attention of the sentencing court or to raise it in a direct appeal.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. N/A

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: N/A

(b) At arraignment and plea: CHRISTINE A. FREEMAN
Federal Defenders Office

(c) At trial: N/A 201 Monroe Street, Suite 1960
Montgomery, AL 36104

(d) At sentencing: (334) 834-2099

(e) On appeal: N/A

(f) In any post-conviction proceeding: N/A

(g) On appeal from any ruling against you in a post-conviction proceeding: N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: N/A

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒ N/A

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

MOTION IS TIMELY

Therefore, movant asks that the Court grant the following relief: Resentence
defendant in accordance with Booker.

or any other relief to which movant may be entitled.

N/A
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this
Motion Under 28 U.S.C. § 2255 was placed in the prison mailing system on October 1, 2007.
____ (month, date, year).

Executed (signed) on 10/1/07 (date).

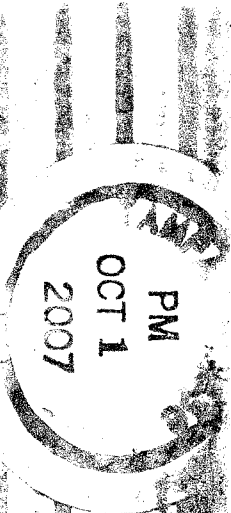
patrick Bass
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this
motion. _____

PATRICK LEMUEL BASS
Reg. No. 11872-002
Federal Correctional Complex
USP Coleman II - Unit G1
PO Box 1034
Coleman, FL 33521-1034

LEGAL MAIL SPECIAL MAIL

UNITED STATES DISTRICT COURT
FOR THE Middle District of Alabama
Office of the Clerk
PO Box 711
Montgomery, AL 36101-0711



CLOSED

**U.S. District Court
Alabama Middle District (Opelika)
CRIMINAL DOCKET FOR CASE #: 3:05-cr-00112-WHA-SRW All Defendants
Internal Use Only**

3:07-CV-887-WHA

Case title: USA v. Bass

Date Filed: 04/22/2005

Date Terminated: 10/12/2006

Assigned to: Honorable W. Harold
Albritton, III
Referred to: Honorable Susan Russ
Walker

Defendant

Patrick Lemuel Bass (1)
TERMINATED: 10/12/2006

represented by **Federal Defender**
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: ECFCMALM@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Christine A. Freeman
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: christine_freeman@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

18 USC 922(g)(1), 924(a)(2) & 924(e) -
UNLAWFUL TRANSPORT OF
FIREARMS, ETC. - NMT \$250,000,

Disposition

96 MOS. IMRP. (This term to run
concur. w/any sentences Defendant
receives on charges presently pending in

[*]; NMT 10Y or, if previously convicted of three violent felonies or serious deug offenses, then NLT 15Y, NMT Life, B; NMT 3Y SUP REL; \$100 SA; VWPA; G-LINES
(1)

Meriwether County, GA, and Lee County, AL with the federal sentence to begin after completion of the State sentences but with credit to be assessed against the federal sentence for time served on those pending charges in State custody). 3 YRS. SUP REL; \$100 SA

Highest Offense Level (Opening)

Felony

Terminated Counts

21 USC 844(a) CONTROLLED SUBSTANCE - POSSESSION - NLT \$5,000, NMT \$250,000, [*]; NLT 90 DAYS, NMT 3Y, B; NMT 1Y SUP REL; \$100 SA; VWPA; G-LINES
(2)

Disposition

DISMISSED ON GOVERNMENT'S MOTION

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA











represented by **Andrew O. Schiff**
United States Attorney's Office - ALM
Middle District of Alabama
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 334-223-7135
Email: andrew.schiff@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text



04/20/2005	<u>1</u>	INDICTMENT as to Patrick Lemuel Bass (1) count(s) 1, 2. (sql,) (Entered: 04/22/2005)
04/20/2005	<u>2</u>	(Court only) Limits of Punishment as to Patrick Lemuel Bass: (sql,) (Entered: 04/22/2005)
04/22/2005	<u>3</u>	Arrest Warrant Issued by Vanzetta P. McPherson in case as to Patrick Lemuel Bass. (sql,) (Entered: 04/22/2005)
04/25/2005		NOTICE received from U.S. Marshal Service of detainer placed with Meriweather County Jail at Greenville, GA as to Patrick Lemuel Bass. (case unsealed) (ws,) (Entered: 04/25/2005)
04/27/2005	<u>4</u>	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Patrick Lemuel Bass. (Attachments: # <u>1</u>)(Schiff, Andrew) (Entered: 04/27/2005)
04/27/2005	<u>5</u>	ORDER granting <u>4</u> Motion for Writ of Habeas Corpus ad prosequendum as to Patrick Lemuel Bass (1) directing the clerk of court to issue a WHCAP addressed to the Warden, Meriwether County Jail, Greenville, Georgia, commanding them to deliver said defendant to any USM or Deputy USM and directing said Marshal or Deputy to bring said prisoner before this court to be held on 6/8/05 at 10:00 a.m. and to return said prisoner to said official when the court shall have finished with him. Signed by Judge Susan Russ Walker on 4/27/05. (ws) (Entered: 04/27/2005)
04/27/2005	<u>6</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Patrick Lemuel Bass for 6/8/05at 10:00 a.m. for arraignment before Judge Boyd (ws) (Entered: 04/27/2005)
04/27/2005		Set Hearings as to Patrick Lemuel Bass: Arraignment set for 6/8/2005 10:00 AM in Courtroom 4A before Honorable Delores R. Boyd. (ws,) (Entered: 04/27/2005)
04/27/2005		(Court only) ***Location start as to Patrick Lemuel Bass (ws) (Entered: 05/04/2005)
06/10/2005	<u>7</u>	Writ of Habeas Corpus ad Prosequendum as to Patrick Lemuel Bass Returned Unexecuted - will writ @ later date, Agent in Iraq. (ws,) (Entered: 06/10/2005)
01/05/2006	<u>8</u>	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Patrick Lemuel Bass. (Attachments: # <u>1</u>)(Schiff, Andrew) (Entered: 01/05/2006)
01/05/2006	<u>9</u>	ORDER granting <u>8</u> Motion for Writ of Habeas Corpus ad prosequendum as to Patrick Lemuel Bass (1) that the Clerk of Court is directed to issue a WHCAP addressed to Lee County Detention Center, Opelika, AL commanding him to deliver said defendant to any U. S. Marshal or Deputy U. S. Marshal and directing said Marshal or Deputy to bring said prisoner before this court to be held 2/8/06 @ 10:00 a.m. and to return said

		prisoner to said official when the court shall have finished with him. Signed by Judge Susan Russ Walker on 1/5/06. (ws) (Entered: 01/05/2006)
01/05/2006	<u>10</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Patrick Lemuel Bass for Arraignment on 2/8/2006 at 10:00 AM in Courtroom 5B before Honorable Susan Russ Walker. (ws) (Entered: 01/05/2006)
01/25/2006	<u>11</u>	Arrest Warrant Returned Executed in case as to Patrick Lemuel Bass. Defendant arrested on 1/24/2006. (sql,) (Entered: 01/26/2006)
02/08/2006	<u>12</u>	CJA 23 Financial Affidavit by Patrick Lemuel Bass (jct,) (Entered: 02/08/2006)
02/08/2006		ORAL MOTION to Appoint Counsel by Patrick Lemuel Bass. (jct,) (Entered: 02/08/2006)
02/08/2006		ORDER (ORAL) granting Oral Motion to Appoint Counsel: Federal Defender appointed as to Patrick Lemuel Bass (1). Signed by Judge Susan Russ Walker on 2/8/06. (jct,) (Entered: 02/08/2006)
02/08/2006	<u>13</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Arraignment as to Patrick Lemuel Bass (1) Count 1,2 held on 2/8/2006, Initial Appearance as to Patrick Lemuel Bass held on 2/8/2006, Plea entered by Patrick Lemuel Bass (1) Not Guilty on counts 1,2. (Recording Time 10:13 - 10:21.) (jct,) (Entered: 02/08/2006)
02/09/2006	<u>14</u>	ORDER ON ARRAIGNMENT as to Patrick Lemuel Bass: Pretrial Conference set for 2/28/2006 08:30 AM in Courtroom 5B before Honorable Susan Russ Walker. Jury Trial set for 3/27/2006 before Honorable W. Harold Albritton III. Any requested voir dire questions and jury instructions must be filed no later than one week before jury selection. Pretrial Motions due by 2/24/2006. Discovery by the government due by 2/8/2006. Disclosures by the defendant due by 2/15/06. Signed by Judge Susan Russ Walker on 2/9/06. (ws,) (Entered: 02/09/2006)
02/10/2006	<u>15</u>	NOTICE OF ATTORNEY APPEARANCE: Christine A. Freeman appearing for Patrick Lemuel Bass (Freeman, Christine) (Entered: 02/10/2006)
02/25/2006	<u>16</u>	MOTION to Suppress by Patrick Lemuel Bass. (Freeman, Christine) (Entered: 02/25/2006)
02/25/2006	<u>17</u>	MOTION to Dismiss by Patrick Lemuel Bass. (Freeman, Christine) (Entered: 02/25/2006)
02/28/2006	<u>18</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Patrick Lemuel Bass held on 2/28/2006 (Recording Time 8:35 - 8:39.) (jct,) (Entered: 02/28/2006)
02/28/2006	<u>19</u>	RESPONSE to Motion by USA as to Patrick Lemuel Bass re <u>17</u> MOTION to Dismiss (Schiff, Andrew) (Entered: 02/28/2006)

03/02/2006	<u>20</u>	PRETRIAL CONFERENCE ORDER as to Patrick Lemuel Bass : Jury Selection set for 3/27/2006 before Honorable W. Harold Albritton III. Jury Trial set for 3/27/2006 before Honorable W. Harold Albritton III and is expected to last one and half days. The following motios are currently pending: Defendant's Motion to Suppress and Motion to Dismiss; Voir Dire due by 3/20/2006; Proposed Jury Instructions due by 3/20/2006; Motions in Limine due by 3/20/2006; Notice of Intent to Change Plea due by noon on 3/20/2006. Signed by Judge Susan Russ Walker on 3/2/06. (ws) (Entered: 03/02/2006)
03/03/2006	<u>21</u>	MOTION to Continue trial , <i>Unopposed</i> by Patrick Lemuel Bass. (Freeman, Christine) (Entered: 03/03/2006)
03/03/2006	<u>22</u>	WAIVER of Speedy Trial by Patrick Lemuel Bass (Freeman, Christine) (Entered: 03/03/2006)
03/08/2006	<u>23</u>	ORDER as to Patrick Lemuel Bass granting <u>21</u> MOTION to Continue trial , <i>Unopposed</i> filed by Patrick Lemuel Bass. ORDER TO CONTINUE - Ends of Justice as to Patrick Lemuel Bass Time excluded from 3/27/06 until 6/26/06. Jury Selection RESET for 6/26/2006 before Honorable W. Harold Albritton III. Jury Trial RESET for 6/26/2006 before Honorable W. Harold Albritton III. Signed by Judge W. Harold Albritton III on 3/8/06. (ws) (Entered: 03/08/2006)
03/09/2006	<u>24</u>	ORDER as to Patrick Lemuel Bass setting Pretrial Conference for 6/2/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 3/9/06. (ajr,) (Entered: 03/09/2006)
03/27/2006	<u>25</u>	ORDER as to Patrick Lemuel Bass re <u>16</u> MOTION to Suppress filed by Patrick Lemuel Bass. Motion Hearing is set for 5/2/2006 at 09:00 AM in Courtroom 5B before Honorable Susan Russ Walker. If the defendant is in custody, the United States Marshal or the person having custody of the defendant shall produce the defendant for this proceeding. Signed by Judge Susan Russ Walker on 3/27/06. (ws) (Entered: 03/27/2006)
04/27/2006	<u>26</u>	RESPONSE to Motion by USA as to Patrick Lemuel Bass re <u>16</u> MOTION to Suppress (Schiff, Andrew) (Entered: 04/27/2006)
04/28/2006	<u>27</u>	MOTION cancel evidentiary hearing <i>Unopposed</i> by Patrick Lemuel Bass. (Freeman, Christine) (Entered: 04/28/2006)
05/01/2006	<u>28</u>	ORDER as to Patrick Lemuel Bass granting <u>27</u> MOTION cancel evidentiary hearing <i>Unopposed</i> filed by Patrick Lemuel Bass. The Suppression hearing scheduled for 5/2/06 is CONTINUED generally pending defendant's entry of a change of plea. Signed by Judge Susan Russ Walker on 5/1/06. (ws) (Entered: 05/01/2006)
06/02/2006	<u>29</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Patrick Lemuel Bass held on 6/2/2006 (Recording Time 3:11 - 3:13.) (jct,) (Entered: 06/02/2006)

06/12/2006	 <u>30</u>	NOTICE OF INTENT TO CHANGE PLEA by Patrick Lemuel Bass (Freeman, Christine) (Entered: 06/12/2006)
06/13/2006	 <u>31</u>	ORDER as to Patrick Lemuel Bass re <u>30</u> Notice of Intent to Change Plea. Change of Plea Hearing set for 6/14/2006 03:30 PM in Courtroom 5B before Honorable Susan Russ Walker. The Clerk is directed to provide a court reporter for this proceeding. If the defendant is in custody, the United States Marshal or the person having custody of the defendant shall produce the defendant for the proceeding. Signed by Judge Susan Russ Walker on 6/13/06. (ws) (Entered: 06/13/2006)
06/14/2006	 <u>32</u>	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Patrick Lemuel Bass (jct,) (Entered: 06/14/2006)
06/14/2006	 <u>33</u>	PLEA AGREEMENT as to Patrick Lemuel Bass (jct,) (Entered: 06/14/2006)
06/14/2006		ORAL ORDER accepting guilty plea and adjudicating defendant guilty as to Count 1 of the Indictment as to Patrick Lemuel Bass . Signed by Judge Susan Russ Walker on 6/14/06. (jct,) (Entered: 06/14/2006)
06/14/2006		ORAL MOTION to Withdraw Document <u>16</u> MOTION to Suppress, <u>17</u> MOTION to Dismiss by Patrick Lemuel Bass. (jct,) (Entered: 06/14/2006)
06/14/2006		ORAL ORDER granting ORAL Motion to Withdraw Document as to Patrick Lemuel Bass (1); withdrawing <u>16</u> Motion to Suppress as to Patrick Lemuel Bass (1); withdrawing <u>17</u> Motion to Dismiss as to Patrick Lemuel Bass (1). Signed by Judge Susan Russ Walker on 6/14/06. (jct,) (Entered: 06/14/2006)
06/14/2006	 <u>34</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Change of Plea Hearing as to Patrick Lemuel Bass held on 6/14/2006, Plea entered by Patrick Lemuel Bass (1) Guilty Count 1; Count 2 to be dismissed at sentencing. (Court Reporter Risa Entrekin.) (jct,) (Entered: 06/14/2006)
06/20/2006		Terminate Deadlines and Hearings as to Patrick Lemuel Bass: (kcg,) (Entered: 06/20/2006)
06/22/2006	 <u>35</u>	ORDER as to Patrick Lemuel Bass: Sentencing set for 9/7/2006 10:00 AM in Courtroom 2C before Honorable W. Harold Albritton III. That on or before 8/18/06, counsel for parties shall communicate in writing to the Probation Officer any objections they have to the presentence report; That Unless excused in writing by the Chief U.S. Probation Officer, counsel for parties shall be available for a conference with the Probation Officer on 8/22/06 at 9:45 a.m. to discuss issues contained in the presentence report. Any motion for downward departure shall be filed on or before the conference date with the Probation Officer, unless based on unknown and unforeseen circumstances arising after the date, in which case the motion must be filed promptly upon discovery of such circumstances.. Signed by

		Judge W. Harold Albritton III on 6/22/06. (ws,) (Entered: 06/22/2006)
08/22/2006	36	MOTION for Reduction in Criminal Offense Level for Acceptance of Responsibility by USA as to Patrick Lemuel Bass. (Schiff, Andrew) (Entered: 08/22/2006)
08/26/2006	37	SENTENCING MEMORANDUM by Patrick Lemuel Bass (Freeman, Christine) (Entered: 08/26/2006)
08/28/2006	38	NOTICE of Sentencing Exhibits as to Patrick Lemuel Bass (Freeman, Christine) (Entered: 08/28/2006)
08/31/2006	39	MOTION to Continue Sentencing by USA as to Patrick Lemuel Bass. (Schiff, Andrew) (Entered: 08/31/2006)
09/01/2006	40	ORDER as to Patrick Lemuel Bass Sentencing set for 9/7/2006 is here RE-SET for 10/12/2006 10:00 AM in Courtroom 2C before Honorable W. Harold Albritton III.. Signed by Judge W. Harold Albritton III on 9/1/2006. (sql,) (Entered: 09/01/2006)
09/01/2006		(Court only) ***Motions terminated as to Patrick Lemuel Bass: 39 MOTION to Continue Sentencing filed by USA,. (ws,) (Entered: 10/13/2006)
10/12/2006	41	STAMPED ORDER granting 36 Motion for Reduction in Criminal Offense Level for Acceptance of Responsibility as to Patrick Lemuel Bass (1). Signed by Judge W. Harold Albritton III on 10/12/06. (ws,) (Entered: 10/13/2006)
10/12/2006		ORAL MOTION to Dismiss Count 2 of the Indictment by USA as to Patrick Lemuel Bass. (ws,) (Entered: 10/13/2006)
10/12/2006		ORAL ORDER granting Oral Motion to Dismiss Count 2 of the Indictment as to Patrick Lemuel Bass (1). Signed by Judge W. Harold Albritton III on 10/12/06. (ws,) (Entered: 10/13/2006)
10/12/2006	42	Minute Entry for proceedings held before Judge W. Harold Albritton III: Sentencing held on 10/12/2006 as to Patrick Lemuel Bass (1); Count(s) 2, DISMISSED ON GOVERNMENT'S MOTION. (Court Reporter Risa Entrekin.) (ws,) (Entered: 10/13/2006)
10/12/2006	43	JUDGMENT as to Patrick Lemuel Bass (1) - Count(s) 1: 96 MOS. IMRP. (This term to run concur. w/any sentences Defendant receives on charges presently pending in Meriwether County, GA and Lee County, AL with the federal sentence to begin after completion of the State sentences but with credit to be assessed against the federal sentence for time served on those pending charges in State custody). 3 YRS. SUP REL; \$100 SA . Signed by Judge W. Harold Albritton III on 10/12/06. (ws,) (Entered: 10/13/2006)
10/12/2006		(Court only) ***Set/Clear Flags as to Patrick Lemuel Bass, ***Case Terminated as to Patrick Lemuel Bass (ws,) (Entered: 10/13/2006)

10/18/2006	 <u>44</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Patrick Lemuel Bass (ws,) (Entered: 10/18/2006)
03/06/2007	 <u>45</u>	Judgment Returned Executed as to Patrick Lemuel Bass on 2/23/07. (jct,) (Entered: 03/07/2007)

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

PATRICK LEMUEL BASS

Case Number: 3:05cr112-WHA

USM Number: 11872-002

Christine Freeman

Defendant's Attorney

THE DEFENDANT:

☒ X pleaded guilty to count(s) 1 of the Indictment on June 14, 2006☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section18:922(g)(1) & 924(a)(2)
& 924(e)Nature of Offense

Felon in possession of a firearm

Offense Ended

2/07/04

Count

1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s)X Count(s) 2 of the Indictment X is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 12, 2006

Date of Imposition of Judgment

Signature of Judge

W. Harold Albritton, Senior United States District Judge
Name and Title of Judge

Date

10/12/06

DEFENDANT: PATRICK LEMUEL BASS
 CASE NUMBER: 3:05cr112-WHA

Judgment — Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

96 months. This term is to run concurrently with any sentences Defendant receives on charges presently pending in Meriwether County, Georgia, and Lee County, Alabama with the federal sentence to begin after completion of the State sentences but with credit to be assessed against the federal sentence for time served on those pending charges in State custody.

☒ The court makes the following recommendations to the Bureau of Prisons:

The court recommends that the Defendant be designated to a facility where intensive residential substance abuse treatment is available.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
 at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
 DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 3 — Supervised Release

DEFENDANT: PATRICK LEMUEL BASS
CASE NUMBER: 3:05cr112-WHA

Judgment—Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

three (3) years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: PATRICK LEMUEL BASS
CASE NUMBER: 3:05cr112-WHA

Judgment—Page 4 of 6

SPECIAL CONDITIONS OF SUPERVISION

Defendant shall participate in drug testing and treatment. Defendant shall contribute to the cost of any treatment based on ability to pay and availability of third party payments.

Defendant shall attend a court approved anger management program.

Defendant shall submit to a search of his person, residence, office or vehicle pursuant to the search policy of this court.

DEFENDANT: PATRICK LEMUEL BASS
CASE NUMBER: 3:05cr112-WHA

Judgment — Page 5 of 6**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ -0-	\$ -0-

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ <u>0</u>	\$ <u>0</u>
---------------	-------------	-------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: PATRICK LEMUEL BASS
 CASE NUMBER: 3:05cr112-WHA

Judgment — Page 6 of 6

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
 Payment shall be made to the Clerk, U. S. District Court, P. O. Box 711, Montgomery, AL 36101.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.